C 407 No. 19 of 2005

Hon. P.C. Pant, J.

This is an application moved under Section 407 of the Code of Criminal Procedure, 1973 for transfer of misc. case No. 132 of 2003; Smt. Sunita Vs. Ajai Sharma, pending before the Judge, Family Court, Haridwar to some other competent court.

The ground mentioned in the affidavit accompanying the application is that the respondents are intimidating the applicant and they have threatened of dire consequences if the applicant appears before the Marriage Conciliation Cell. It is also submitted by learned counsel for the application that earlier also police protection was sought by the applicant.

In the counter affidavit, the respondent No. 2 has controverted the averments of the applicant. After perusing the aforesaid counter affidavit and other documentary record, this Court is not satisfied as to the alleged threat to the applicant, if the impugned case continues to be tried before the Principal Judge, Family Court, Haridwar.

In the circumstances, the application for transfer of case No. 132 of 2003 is liable to be rejected. Therefore, the same is rejected.

(Prafulla C. Pant, J.)

Dt: 23.12.2005
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